THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 20th day of July,2007

W.P.No.20833 of 1998

Between:-

N. Vijaya Prasad … Petitioner

and

The Inspector of Police,
APTS, and vigilance, Kothagudem
Thermal Power Station, APSEB,
Paloncha, Khammam District
and others … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not regularizing the services of the petitioner in the post of Typist as arbitrary and illegal.

It appears, as per B.P. (V&S) Ms.No.14, dated 22-11-1999 number of Anti-Power Theft Police Stations were created and against each Police Station, apart from police staff, the posts of one Junior Assistant, one Typist and one Attender were also created. According to the petitioner, he was appointed as a Typist in the sanctioned vacancy as per B.P. (V&S) Ms.No.14, dated 22-11-1999 and joined the service of the 1st respondent-power station in March,1992. He had completed more than 5 years of service as required under G.O.Ms.No.212, dated 22-4-1994 as per the Judgment of the Supreme Court in **DISTRICT COLLECTOR/CHAIRMAN v. T. DEVENDERPAL SINGH**[1] whereunder it was held that completion of five years service as on the date of consideration is sufficient. It need not be as on 25-11-1993. In spite of making several representations, his services were not regularized. Therefore, this Writ Petition.

While admitting the Writ Petition, respondents were directed to pay the minimum scale of pay attached to the post. No counter is filed. However, learned counsel for the respondents states that the petitioner is not being continued as of now. Whereas, learned counsel

for the petitioner states that the petitioner is being continued in service as on the date of filing of the Writ Petition. He further asserted that whether the petitioner is there in service as of now or not, it makes no difference, because G.O.Ms.No.212 contemplates completion of five years of service and being continued in service as on 25-11-1993.

In view of the above, without expressing any opinion on merits, respondents are directed to consider the case of the petitioner for regularization of his services in the post of Typist as per B.P. (V&S) Ms.No.14, dated 22-11-1999 read with G.O.Ms.No.212, dated 22-4-1994 and pass appropriate orders, as per law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

With the above direction, the Writ Petition is disposed of. No order as to costs.

20-7-2007

prk

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[1] 1998 SCC (L&S) 1747